

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re OPENWAVE SYSTEMS, INC. ) Master File No. C-06-03468-SI  
SHAREHOLDER DERIVATIVE )  
LITIGATION ) [PROPOSED] ORDER CONSOLIDATING  
 ) ACTIONS  
\_\_\_\_\_  
This Document Relates To: )  
 )  
ALL ACTIONS. )

On October 12, 2006, this Court entered an Order consolidating the following shareholder derivative actions on behalf of nominal defendant Openwave Systems, Inc. (“Openwave”) against its board of directors and certain current and former officers:

Name	Case No.	Date Filed
<i>Hacker v. Peterschmidt, et al.</i>	C-06-03468-SI	May 30, 2006
<i>Bowie v. Black, et al.</i>	C-06-04479-SI	July 21, 2006
<i>Koning v. Puckett, et al.</i>	C-06-04509-SI	July 24, 2006
<i>Sherupski v. Puckett, et al.</i>	C-06-04524-SI	July 25, 2006

In addition, this Court now ORDERS the following:

1. All shareholders' derivative actions on behalf of nominal defendant Openwave Systems, Inc. ("Openwave" or the "Company") filed in the Northern District of California that involve questions of law or fact similar to those contained in the above-captioned actions are consolidated for all purposes under the following caption (the "Consolidated Action"):

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re OPENWAVE SYSTEMS, INC. ) Master File No. C-06-03468-SI  
SHAREHOLDER DERIVATIVE LITIGATION )

### This Document Relates To:

## ALL ACTIONS.

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## 2. Each and every shareholder derivative

District of California that involves questions of law.

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Consolidated Action shall constitute a case related to t

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the “Related Actions”)

the "Related Actions").

2      [English](#) [Deutsch](#) [Italiano](#) [Español](#) [Français](#)

3. Each Related Action shall be governed

[PROPOSED] ORDER CONSOLIDATING ACTIONS - Master File No. C-06-03468-SI

1 defendants' counsel shall mail a copy of this Order to counsel for the plaintiff in each Related  
2 Action.

3       4. A party to any Related Action may, for good cause shown, move for relief from the  
4 terms of this Order only if such motion is filed with the Court and served upon Lead Counsel as set  
5 forth herein and upon counsel for defendants within 21 days of the mailing of this Order to counsel  
6 for such party. Any party herein may oppose such a motion.

7       5. All papers previously filed and served to date, if any, in the cases consolidated herein  
8 are deemed to be and are hereby adopted as part of the record in the Consolidated Action.

9       6. This Order shall be filed in the file of C-06-03468-SI and the entry of the Order shall  
10 be docketed in each of the consolidated actions. All papers filed by plaintiffs and defendants under  
11 the above-consolidated caption shall be filed only in action C-06-03468-SI.

## 12 || IT IS SO ORDERED.

DATED:

**THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE**

Submitted by:

17 LERACH COUGHLIN STOIA GELLER  
18 RUDMAN & ROBBINS LLP  
19 TRAVIS E. DOWNS III  
BENNY C. GOODMAN III  
THOMAS G. WILHELM

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7 *I, BENNY C. GOODMAN III, am the ECF user whose ID and password are being used to  
file this [PROPOSED] ORDER CONSOLIDATING ACTIONS. In compliance with General  
8 Order 45, X.B., I hereby attest that Arthur L. Shingler III has concurred in this filing.*

9  
10 SCOTT + SCOTT, LLC  
10 ARTHUR L. SHINGLER III  
11

12 s/ ARTHUR L. SHINGLER III  
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16 Co-Lead Counsel for Plaintiffs  
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1                   CERTIFICATE OF SERVICE

2                   I hereby certify that on November 14, 2006, I electronically filed the foregoing with the  
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have  
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF  
6 participants indicated on the attached Manual Notice List.

7                   \_\_\_\_\_  
8                   s/ Benny C. Goodman III  
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## Mailing Information for a Case 3:06-cv-03468-SI

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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